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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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APR - 2 2004

Federal Communication Commission
Bureau / Office

In the Matter of)

Amendment of Section 73.622(b),)
DTV Table of Allotments.)
(Honolulu, Hawaii))

MM Docket No. _____

RM- _____

Directed to: Chief, Media Bureau

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APR 28 2004

Federal Communications Commission
Office of the Secretary

PETITION FOR RULE MAKING

Pacifica Broadcasting Company ("Pacifica"), licensee of noncommercial educational television station KALO(TV) and permittee of KALO-DT, by its attorneys, hereby respectfully requests that the Commission institute a rule making proceeding for the purpose of amending the DTV Table of Allotments to substitute digital channel *10 for the current KALO-DT allotment on Channel *39 at Honolulu, Hawaii. As set forth below, this substitution will serve the public interest by allowing KALO-DT to provide improved and maximized service to the public with reduced concerns stemming from adjacent channel interference. Accordingly, Pacifica proposes to amend Section 73.622(b) of the Commission's Rules as follows:

Channel No.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Honolulu, Hawaii	8, *18, 19, 22, 23, 27c, 31, 33c, 35, *39c, 40, *43	8, *10, *18, 19, 22, 23, 27c, 31, 33c, 35, 40, *43

At the present time, the DTV facilities of KALO-DT are limited by the adjacent channel

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allotment of Channel 40 to KITV-DT, which is also licensed to Honolulu. As a result, the noncommercial educational service to be offered by KALO-DT upon grant of its DTV construction permit is restricted and cannot be maximized to its full potential. Thus, KALO-DT's viewing audience will similarly be limited, and a number of viewers in the market will be deprived of the opportunity to receive another noncommercial DTV service. Such a result would neither be an efficient use of the spectrum nor helpful in promoting the DTV transition.

In contrast, however, the proposed substitution of Channel *10 would allow KALO-DT to maximize its service area. The resulting expansion in the potential service of the station would clearly serve the public interest. In addition, the change from a UHF channel to a VHF channel will lead to associated savings in operational costs, including significant reductions in the cost of power to operate the station. These cost savings are particularly critical for noncommercial stations such as KALO-DT, and the funds saved can be applied in other areas to advance service to the public with KALO-DT's digital facilities.

As demonstrated in the attached Engineering Statement of Smith and Fisher, the proposed channel substitution in accordance with the Commission's technical rules and policies and would not create any prohibited, objectionable interference.

Pacifica has previously submitted an application for construction permit for a DTV facility to operate on Channel *39, BPEDT-20000501AFZ, which remains pending at this time. In the event that the requested substitution is made, Pacifica will amend its pending application to specify Channel *10. In the event that the now-pending application has been granted, Pacifica will submit a new modification application to specify the substituted channel. Upon grant of the implementing application, Pacifica will construct the proposed facility in a timely manner.

WHEREFORE, the premises considered, Pacifica hereby respectfully requests that Section 73.622(b) of the Commission's Rules be amended to substitute Channel *10 for Channel *39c at Honolulu, Hawaii, and that Channel *10 be assigned to KALO-DT.

Respectfully submitted,

PACIFICA BROADCASTING COMPANY

By:

A handwritten signature in cursive script, appearing to read "Anne Goodwin Crump".

Harry F. Cole

Anne Goodwin Crump

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April 2, 2004